



PATENT APPLICATION

7

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS: Bossemeyer

EXAMINER:

SERIAL NO.: 09/817,005

GROUP: 2642

FILED: March 23, 2001

CASE NO.: AMT-9707C 1

Entitled: Speech Reference Enrollment Method

RECEIVED
OCT 18 2004
OFFICE OF PETITIONS

SBC Knowledge Ventures, L.P.
6500 River Place Boulevard
Building III, 1st Floor
Austin, TX 78730

September 27, 2004

PETITION TO WITHDRAW HOLDING OF ABANDONMENT
Under 37 CFR §1.137(b)

Mail Stop: Petitions
Honorable Commissioner of
Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This case became unintentionally abandoned on July 7, 2003 for failure to respond to a Notice to File Missing Parts.

1) A reply to the Notice to File Missing Parts is enclosed along with the required fee.

2) The petition fee set forth in §1.17(m) of \$1,330.00 is enclosed.

3) The entire delay in filing the required reply was unintentional. The correspondence address in this case was to Mr. Bruce Stuckman. However, it was assumed that the correspondence address was to Mr. Dale B. Halling. The *Notice to File Missing Parts of Nonprovisional Application*, mailed May 4, 2001 was misplaced, in part because Ms. Mary McNeill, paralegal to Mr. Bruce

10/14/2004 MHEKONEN 00000020 09817005

01 FC:1453

1370.00 DP



SERIAL NO.: 09/817,005

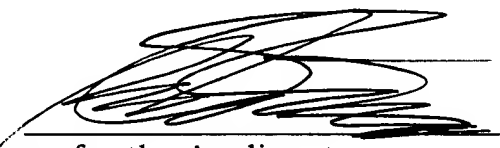
Stuckman, was diagnosed with cancer and was undergoing treatments at the time the *Notice* was received. Mr. Halling filed numerous status requests, called the PTO, and only finally received a response in the case on September 13, 2004 denying a Petition to Revive the present application. In addition, Ms Christa Zela did tell Mr. Halling in August of 2004 that the correspondence address was to Mr. Bruce Stuckman. If the PTO had informed Mr. Halling that, while he had power of attorney over the case, he was not the correspondence address sooner, this matter could have been resolved expeditiously.

4) Not required.

The applicants respectfully request the application be revived.

Respectfully submitted,

Robert W. Bossemeyer


By 
Attorney for the Applicant
Bruce Stuckman
Registration No. 36,693
Phone: (512) 527-1160
Fax: (512) 527-1169

Correspondence Address

Law Offices of Dale B. Halling
24 S. Weber, Suite 311
Colorado Springs, CO 80903

I hereby certify that a Petition to Withdraw Holding of Abandonment
is being deposited with the United States Postal Service as first class mail in an
envelope addressed to: Commissioner of Patents and Trademarks, P.O. Box
1450, Alexandria, VA 22313-1450, on:

10/8/04
Date


Signature



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER OF PATENTS

September 13, 2004

Dale B. Halling
Law office of Dale B. Halling
24 S. Weber St., Suite 311
Colorado Springs, CO 80903

In re application of:
Bossemeyer
No: 09/742,274
Filed: March 23, 2001
For: Speech Reference Enrollment Method

In response to the petition received on July 8, 2003 and August 4, 2003, to withdraw the holding of abandonment in the in the above application.

The above-identified application became abandoned for failure to reply with the meaning of 37 C.F.R. 1.113 in a timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed May 4, 2001. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned July 6, 2001. The notice of abandonment was mailed July 7, 2003.

The petition is hereby Denied.

On July 8, 2003 and August 4, 2003, the office received two Petitions from The Law Office of Dale B. Halling, attorney registration number 38,170. In reviewing the application Dale B. Halling was registered in the application but all correspondence was designated to Bruce Stuckman at SBC Technology Resources, Inc. 9505 Arboretum Blvd., 9th Floor, Austin, TX 78759. The Notice to File Missing Parts issued on May 4, 2001 was sent to the designated address in Austin, TX.

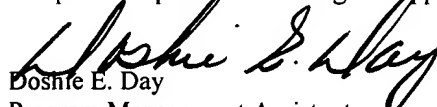
The office has not received any correspondence from Bruce Stuckman at SBC Technology Resources. All correspondence pertaining to the application has come from The Law Office of Dale B. Halling.

In the petition counsel states that Bruce Stuckman did not receive the Notice to File Missing Parts. The evidence submitted is not sufficient to establish that Bruce Stuckman did not receive the Notice to File Missing Parts. Counsel must supply the office with proof from Mr. Stuckman showing he did not receive the Notice to File Missing Parts mailed May 4, 2001.

All correspondence will be designated to the The Law Office of Dale B. Halling at 24 S. Weber, Suite 311, Colorado Springs, CO 80903. As requested in the petition received July 8, 2003.

Counsel is given two months from the date of this notice to submit proof of evidence that Bruce Stuckman did not received the Notice to File Missing Parts mailed May 4, 2001.

Telephone inquiries concerning this application may be directed to Doshie E. Day (703) 308-3640.


Doshie E. Day
Program Management Assistant
Office of Initial Patent Examination

Enclosure: 1

(74)

Withdrawing the Holding of Abandonment
When Office Actions Are Not Received

The purpose of this notice is to announce a practice that will minimize costs and burdens to the practitioner and the Office when an application has become abandoned due to a failure to receive an Office action.

A petition to withdraw the holding of abandonment in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513 (D.D.C. 1971) is burdensome to the practitioner since the practitioner must overcome a strong presumption that an Office action duly addressed and indicated as mailed was timely delivered to the addressee. To overcome this presumption, a practitioner is currently required to submit a persuasive showing that would permit the Office to conclude that the Office action was not received. Accordingly, evidence which is typically required includes: copies of records which would disclose the receipt of other correspondence mailed from the Patent and Trademark Office on or about the mail date of the non-received Office action, but fail to disclose receipt of the Office action mailed that date; copies of records on which the Office action would have been entered had it been received (e.g., a copy of the outside of the file jacket maintained by the practitioner); and verified statements from persons who would have handled the Office action (e.g., mail clerks, docket clerks, secretary, etc.).

In order to minimize costs and burdens to the practitioner and the Office when an application has become abandoned due to a failure to receive an Office action, the Office is modifying the showing required to make a petition to withdraw the holding of abandonment grantable. The showing required to establish the failure to receive an Office action must consist of a statement from the practitioner stating that the Office action was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail, e.g., if the practitioner has a history of not receiving Office actions. Two additional procedures are available for reviving an application that has become abandoned due a failure to respond to an Office Action: (1) a petition based on unintentional abandonment or delay; and (2) a petition based on unavoidable delay. See Manual of Patent Examining Procedure 711.03(c).

Oct. 25, 1993

CHARLES E. VAN HORN
Patent Policy and Projects Administrator
Office of the Assistant Commissioner
for Patents

[1156 OG 53]

FILE COPY

Mailed 7/13/04 JS

Notice of Abandonment

This application is abandoned in view of applicant's failure to timely file a proper reply to the Office notice mailed on 5-4-01.

Petition to Withdraw the Holding of Abandonment

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within **2 months** from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item(s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP § 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be transmitted by facsimile directly to OIPE Customer Service at (703) 308-7751.

Petition to Revive an Abandoned Application

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of UNAVOIDABLE DELAY must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by:

1. an adequate showing of the cause of unavoidable delay;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(i); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of UNINTENTIONAL DELAY must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by:

1. a statement that the entire delay was unintentional;
2. the required reply to the above-identified notice;
3. the petition fee set forth in 37 CFR 1.17(m); and
4. a terminal disclaimer if required by 37 CFR 1.137(d).

See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to Office of Petitions at (703) 305-9282.

Any questions regarding this notice should be directed to OIPE Customer Service at (703) 308-1202.



Customer Service Center

Initial Patent Examination Division (703) 308-1202

A00386



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/817,005	03/23/2001	2642	0.00	AMT-9707C1	15	32	5

CONFIRMATION NO. 5713

FILING RECEIPT



OC00000006042755

Bruce Stuckman
SBC Technology Resources, Inc.
9505 Arboretum Blvd., 9th Floor
Austin, TX 78759

RECEIVED
OCT 18 2004
OFFICE OF PETITIONS

Date Mailed: 05/04/2001

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Robert Wesley Bossemeyer JR., St. Charles, IL;

Assignment For Published Patent Application

Ameritech Corporation;

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A CON OF 09/436,296 11/08/1999 (Now patent 6,249,760 granted 6/19/2001)
WHICH IS A CIP OF 08/863,462 05/27/1997 - which is a con of 08/932,078 filed 9/17/1997,
(Now patent 6,012,027, granted 1/4/2000) which is a CIP of 08/863,462, filed
5/27/1997, pending.

Foreign Applications

If Required, Foreign Filing License Granted 05/04/2001

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No



**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

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GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15 (b).

PLEASE NOTE the following information about the Filing Receipt:

- The articles such as "a," "an" and "the" are not included as the first words in the title of an application. They are considered to be unnecessary to the understanding of the title.
- The words "new," "improved," "improvements in" or "relating to" are not included as first words in the title of an application because a patent application, by nature, is a new idea or improvement.
- The title may be truncated if it consists of more than 500 characters (letters and spaces combined).
- The docket number allows a maximum of 25 characters.
- If your application was submitted under 37 CFR 1.10, your filing date should be the "date in" found on the Express Mail label. If there is a discrepancy, you should submit a request for a corrected Filing Receipt along with a copy of the Express Mail label showing the "date in."
- The title is recorded in sentence case.

Any corrections that may need to be done to your Filing Receipt should be directed to:



Title

Speech reference enrollment method

Preliminary Class

379

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Data entry by : MILANI, JALEH

Team : OIPE

Date: 05/04/2001



Assistant Commissioner for Patents
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